



Steven A. Benner
1501 N.W. 68th Terrace
Gainesville FL 32605-4147

October 17, 2004

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Commissioner for Patents
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Alexandria VA 22313-1450

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The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service as First Class Airmail in an envelope addressed to Commissioner of Patents and Trademarks, Washington DC. 20231, USA on or before October 18, 2004.

Steven A. Benner (Applicant)

This is a verified statement that the Applicant is a "small entity" as defined by 37 CFR 1.27. The Applicant is a holder of Deposit Account Number 02-2055 in the Applicant's name, and authorizes the Commissioner to debit any charges or credit any overpayment to this account.

Regarding:

Title: Evolution-based Functional Genomics

Inventor: Steven A. Benner

Citizenship: USA

Permanent Address: 1501 N.W. 68th Terrace, Gainesville FL 32605

Tel: (352) 219 3570

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Serial No.: 10/765,120

Filing Date: January 28, 2004

Dear Sir:

This communication is responsive to the Notice dated September 15, 2004, a copy of which is enclosed.

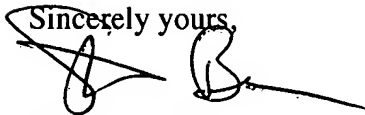
Please amend the above-specified patent application to incorporate the attached sequence listing.

Enclosed is:

- (a) A printed copy of a sequence listing
- (b) A 3.5 inch floppy disk, in MacIntosh OS 9 format
- (c) A copy of the notice sent on September 15, 2004

This is a statement that the content of the sequence listing information recorded in computer readable form is identical to the written sequence listing and, where applicable, includes no new matter, as required by 32 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b) or 1.825(d).

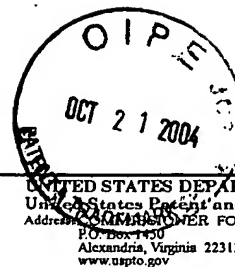
Sincerely yours,

A handwritten signature in black ink, appearing to be 'S. Benner', with a long horizontal line extending to the right.

Steven A. Benner
(Applicant)



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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/765,120	01/28/2004	Steven Albert Benner	

 Steven A. Benner
 1501 NW 68th Terrace
 Gainesville, FL 32605-4147

CONFIRMATION NO. 2253

FORMALITIES LETTER



OC000000013805914

Date Mailed: 09/15/2004

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Filing Date Granted

Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file the items indicated below to avoid abandonment. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 CFR 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing." Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d).

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

Replies should be mailed to: Mail Stop Missing Parts
 Commissioner for Patents
 P.O. Box 1450
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*A copy of this notice **MUST** be returned with the reply.*

Mezzo, W

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Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE